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The BOSTON Evening-Post.

Containing the freſheſt & moſt important Advices, Foreign and Domeſtick.

Printed by THOMAS and JOHN FLEET, at the HEART and CROWN in Cornhill.

BOSTON, *February* 21.

The following is a Copy of the Remonſtrance, *mentioned in our laſt to have been agreed upon by the Honorable Houſe of Repreſentatives, and which was preſented to his Excellency the Governor, praying that* Peter Oliver, *Eſq; may be forthwith removed from the Superior Court.*

Province of the MASSACHUSETTS-BAY.

To His Excellency the Governor and Council.

THE Houſe of Repreſentatives of this his Majeſty's Province beg leave to remonſtrate to your Excellency and Honors, That the Hon. Peter Oliver, Eſq; the Chief Juſtice of the Superior Court of Judicature, Court of Aſſize and General Goal Delivery over the Province, a Court wholly erected and conſtituted by the Great and General Court or Aſſembly by a Power granted to the ſaid General Court by the Royal Charter, declining any more to take and receive the Grants of the ſaid General Aſſembly for his Services as Chief Juſtice of the ſaid Superior Court, hath accepted, taken and received a Salary and Reward granted to him by his Majeſty for his Services as aforeſaid, from the 5th Day of July 1773, to the 5th Day of January 1774: And that the ſaid Peter Oliver, Eſq; Chief Juſtice of ſaid Superior Court hath plainly given this Houſe to underſtand by a Writing under his Hand, his Reſolution for the future to accept the Salary and Reward for his Services as aforeſaid, which he affirms is granted to him by his Majeſty during his Reſidence in the Province as Chief Juſtice of ſaid Superior Court. Now this Houſe humbly conceive, that if his Majeſty had not been miſrepreſented by his Miniſters and Councellors touching the Way and Manner preſcribed by the Royal Charter for the Support of his Government in this Province, he would not have ordered ſuch Salary and Reward to be made to the ſaid Peter Oliver, Eſq;—Nevertheleſs he the ſaid Peter Oliver, Eſq; from *his own* Knowledge of the Charter and Conſtitution of the Province muſt have been aſſured that by accepting and receiving the ſame and reſolving to continue ſo to do, he hath therein done and reſolved to do, contrary to the Uſage and Cuſtom of the Juſtices of the ſaid Superior Court, ſince the creating of ſaid Court invariably uſed and approved; contrary to the plain Senſe and Meaning of the ſaid Charter, and againſt the known Conſtitution of this Province.

The Houſe would further repreſent to your Excellency and Honors, That the ſaid Peter Oliver, Eſq; hath received the ſaid Salary and Reward out of the Revenue unjuſtly and unconſtitutionally levied and extorted from the Inhabitants of the American Colonies; and that he hath acted and done in a Manner as aforeſaid againſt the known Senſe of the Body of the People of this Province moſt fully and expreſſly declared in the ſeveral Reſolutions of divers Houſes of Repreſentatives and otherwiſe.

And it is the Opinion of this Houſe, that the ſaid Peter Oliver, Eſq; hath by his Conduct as aforeſaid perverſely and corruptly done that which hath an obvious and direct Tendency to the Perverſion of Law and Juſtice in the ſaid Superior Court: That he hath thereby proved himſelf an Enemy to the Conſtitution of this Province; and has placed himſelf under an undue Byaſs, detached himſelf totally from his Conſtituents with this People and loſt their Confidence. And that he hath rendered himſelf altogether diſqualified any longer to hold and act in the office of a Juſtice of the ſaid Superior Court;

WHEREFORE it is the Prayer of the Repreſentative Body of the People of this Province, That your Excellency and Honors in Council would be pleaſed to Order that the ſaid Peter Oliver, Eſq; be not ſuffered any longer to ſit and act in his Office of Chief Juſtice, and that he be forthwith and without Delay removed from ſaid Court.

In the Name and by Order of the Houſe,

vid page 453. T. CUSHING, *Speakr.*

Tueſday laſt the Superior Court, Court of Aſſize and General Goal Delivery was opened here: The Honorable Judge Trowbridge, in the Abſence of the Chief-Juſtice, having given the Charge to the Grand Jury, the ſaid Court was adjourned to Tueſday next.

Tueſday Afternoon his Excellency the Governor was pleaſed to ſend the following Meſſage to the Honorable Houſe of Repreſentatives, viz.

Gentlemen of the Houſe of Repreſentatives,

THE Secretary has preſented to me a written Paper purporting a Remonſtrance againſt *Peter Oliver*, Eſq; Chief Juſtice of the Superior Court, for receiving and for having declared that he will continue to receive the Salary which has been granted to him by the King, and thereupon praying in the Words following. "That your Excellency and Honors would "be pleaſed to order that the ſaid *Peter Oliver*, Eſq; "be not ſuffered any longer to ſit and act in his "Office of Chief Juſtice, and that he be forthwith "and without Delay removed from ſaid Court." This Remonſtrance the Speaker who has ſigned the ſame in the Name and by Order of the Houſe, directed the Secretary to deliver to me.

Conſidering that ſome Expreſſions in your Remonſtrance carry another Aſpect, it may be neceſſary to obſerve to you that the Council, except when they are conſidered in their Legiſlative Capacity, or as a Court for the Probate of Wills and granting Adminiſtration, and for determining Cauſe of Marriage and Divorce, are by the Conſtitution to be adviſing and aſſiſting to the Governor, and do not make one Court or Judiciary Body with the Governor; but the Governor is conſidered as an integral Part and has Authority from time to time at his Diſcretion to aſſemble and call the Council together. Any thing in your Remonſtrance which has a contrary Aſpect may have proceeded from Inadvertence.

There are other Parts of your Remonſtrance which appear to me very exceptionable, but I chuſe to avoid all Controverſy with you except it ſhall be my indiſpenſible Duty.

I think it proper to acquaint you that his Majeſty having been pleaſed to direct Warrants to be prepared for the payment of Salaries to the Chief Juſtice and to the other Juſtices of the Superior Court all received, as Governor of the Province, the earlieſt Notice of this Declaration of his Majeſty's Pleaſure, in order as I conceive that, as far as might appertain to me, I ſhould conform thereto.

If I ſhould comply with your Requeſt or take any Steps in order to the Removal of the Chief Juſtice from his Place, merely for receiving what is thus granted him by the King, I ſhould make myſelf chargeable with counteracting his Majeſty and endeavouring to defeat his Royal Intentions expreſsly ſignified to me, with a Contempt of his Royal Authority, and with a Breach of the Truſt repoſed in me by my Commiſſion, and I ſhould fear ſome Mark of his Royal Diſpleaſure. I am therefore in Duty to the King obliged to decline your Requeſt.

I will by the firſt Opportunity tranſmit a Copy of your Remonſtrance to be laid before the King, and I ſhall conform to ſuch further Signification of his Majeſty's Pleaſure as I may hereafter receive.

Province-Houſe, T. Hutchinſon.
15th Feb. 1774. *vid Pa. 453*

LONDON, *November* 4.

Extract of a Letter from Sligo, in Ireland, Octo. 14.

"On Saturday the 4th inſtant our aſſizes ended in this town, at which (after a trial of eight hours) Samuel Slack (better known by the name of Serjeant Slack) was found guilty of having murdered his wife, for which he received ſentence to be hanged, his head cut off, and his body quartered. At the gallows, this day, he behaved with a reſolution ſurpaſſing any thing I had ever conceived from a man in ſuch circumſtances. On the ladder he made a well-connected, ſenſible ſpeech, of upwards of half an hour long, and in the moſt ſolemn manner denied the fact, and very ſenſibly cautioned all preſent, who were freeholders, to be extremely careful when on juries, that they ſhould not convict on circumſtances [which only appeared againſt him on his trial.] After he had finiſhed his harangue, he called in a ſettled reſolute tone of voice for the executioner to do his duty; but no hangman appearing, the High Sheriff was obliged to do the buſineſs himſelf, and juſt as Slack was going to be turned off, he declared that he was ſorry ſo worthy a Magiſtrate ſhould be compelled to perform ſo diſagreeable an office."

Nov. 7. A Merchant, trading to America, hath offered a bet of ten guineas to five, that not a pound of the Tea, now ſending out by the India Company to Boſton, New York, and Philadelphia, will ever reach thoſe markets, that ſome *accident* will *happen to it*—either the ſhip's bottom will ſpring a leak in the harbor, or the Tea will by ſome *accident* or other take fire after it is landed, and be loſt that way.

Nov. 8. An evening paper ſays, a Great Perſonage has been ſo chagrined at the deſcloſure of a late American correſpondence, that the Premier, to prevent a like diſcovery, has given it in orders to all the head clerks of the public offices, to write their *confidential* letters in future in a *cypher*, each office to have a different one peculiar to that department.

Meſſrs FLEETS,

By inſerting the following in your Paper, you will oblige ſome of your conſtant Readers.

IN your Papers of the 30th of December, and 3d of January laſt, I find a Piece ſigned PHILADELPHUS, to the BOSTON NEIGHBOUR. As the *Neighbour* in his laſt Treatiſe, propoſed to go home, *Philadelphus* perhaps may loſe his *reward*, ſince it ſeems he hoped his Piece would reach the Neighbour, and that he ſhould get into a *News-Paper* diſpute with him. But I conjecture, we are not to expect any reply to him from the Neighbour at preſent, nor ever; ſince by all I can obſerve, I don't find that this *Philadelphus* has brought any to change their minds by all he has ſaid. Indeed to me there ſeems to be a general darkneſs, unintelligibleneſs and futility throughout all he has ſaid. What he means by affixing Rev. Z. Adams to his Prologue, as if quoted from Mr. Adams, I can't underſtand; I have read Mr. Adams's Publications, and yet can't recollect any ſuch paſſage. There are many other things alike unintelligible; and if this *Philadelphus* will explain what he means by his Prologue, I will point out ſome other of his unintelligible places; and at the ſame time ſomething of the futility of his arguments. I ſhall content myſelf at preſent, with obſerving in general, that there is nothing which ſeems to engage the attention of mankind, ſo much as that of domination; ſo eager are they in general after dominion one over another, both in civil and eccleſiaſtical affairs, that if any who have got into office may not be allowed or conſidered as deſpotic lords, over the people they ſtand in office relation to, there is at once a great outcry of anarchy, koraliſm, and what not. Corruption in doctrine or practice, irreligion, the groſſeſt immoralities, whoredom and adultery in thoſe that ſuſtain the moſt exalted and ſacred characters, do not appear to raiſe the indignation and reſentment of the Rev. Clergy, any thing like the advancing ſomething againſt their dominating claims over the people; and if I can underſtand this *Philadelphus* he has very greatly ſuggeſted that nothing ſhort of *murder*, if certainly ſufficient to ſet aſide a miniſter, or determine that the people have a right to withold from him his ſalary; and even let what will be the matter, he thinks it "unreaſonable for the *people* that they ſhould be tried by court and "jury in the ſame manner as other contracts." This is one of his unintelligible places. *The people* try'd as other contracts! expreſ-

[redacted]

Extract of a letter from Dantzick.

"No doubt but you have heard of the tyranny of our new Sovereign. The King of Pruſſia has taken us to all intents and purpoſes. Pruſſian laws, a Pruſſian garriſon, and the inhabitants are under Pruſſian diſcipline. In ſhort, every thing here is Pruſſian, as in your country, I am told, every thing is Scotch. How you Engliſh-men reliſh your new maſters I know not, but the Scotch in our town fret and ſcratch themſelves to death, though they affect vaſt obedience to their new maſters. We have upwards of 30 000 of them ſettled here, on account of the peculiar privileges allowed to Scotland in preference to any other nation. They talk of applying to your Court for relief, and ſeem to think they have influence enough to occaſion an embaſſy in their behalf to Pruſſia. But how their applications will reach you, I know not, as every thing, the leaſt ſuſpected, is examined, and even this may very poſſibly go to Berlin inſtead of London."

See page 449. See Index under Judges. See Charter, pa. 1077, Vol. 2. See Index under Judges
See Teaact, pa. 735, Vol. 1. See Index under Towns, & under Repreſentatives, & Councils Meſſages
See Reſolves of the Houſe, pa. 251, 318. Judge Oliver. vid pa. 445 449. See Index under Tea
Hutchinſons Letter, &c. pa. 114. vid pa. 453.

BOSTON, February 21. 1774.

ON Monday last the two Houses of Assembly passed a Resolve for the Adjournment of the Superior Court of Judicature, Court of Assize, &c. from Tuesday the 15th Instant (being the Day on which it was by Law to be holden) to a further Day; it being judged by the two Houses altogether improper that the Chief Justice should sit and act under the present Circumstances and uncertain what Opinion or Resolution he might have formed on the Matter. The Resolve was laid before the Governor, but his Excellency declined giving his Assent thereto; the Superior Court was of Course opened (the Chief Justice being absent) and adjourned itself till Tuesday the 22d, which will be To-Morrow.

In the House of Representatives, Feb. 16, 1774.

ORDERED, That Mr. *Hancock*, Mr. *Phillips*, Major *Hawley*, Captain *Greenleaf*, and Mr. *Allen*, be a Committee to carry up the following Message to the Honorable Board, *viz.*

May it please the Honorable Board,

THE House of Representatives beg Leave to acquaint the Honorable Board that *Peter Oliver*, Esq; Chief Justice of the Superior Court of Judicature over this Province, declining any more to accept and receive the Grants of this Assembly for his Services as a Justice of said Court, hath contrary to the known Constitution of the Province, and the invariable Usage and Custom of said Court, accepted and received a Salary and Reward granted to him by his Majesty for his said Service, from the 5th of July 1772, to the 5th of January 1774; which Salary and Reward he hath taken and received, as has been fully made to appear to this House, out of the Revenue unjustly and unconstitutionally levied and extorted from the Inhabitants of the American Colonies. And the said *Peter Oliver*, Esq; hath also given this House clearly to understand, by a Writing under his Hand, a true Copy of which, together with certain Resolutions of this House thereupon, will be laid on the Council Table, that he is determined for the future to accept the Salary and Reward, which he affirms is granted to him by his Majesty during his Residence in the Province as Chief Justice of the said Superior Court.

The House would further acquaint the honorable Board, that they did on the 13th of this Instant February, pass a Remonstrance and Petition to his Excellency the Governor and Council, setting forth that the said *Peter Oliver*, Esq; by his Conduct as aforesaid, acting against the known Sense of the Body of the People of this Province, most fully and expressly declared in the several Resolutions of divers Houses of Representatives and otherwise had detached himself totally from his Connections with them, and lost their Confidence; and praying that he might not be suffered any longer to sit and act in the Office of Chief Justice of the said Superior Court; but that he might forthwith be removed therefrom: Which Remonstrance and Petition the House did on the same Day specially charge the Secretary to deliver to the Governor without Delay.

The honorable Board will please further to be informed, that his Excellency by his Message of Yesterday, acknowledged that the said Petition and Remonstrance had been laid before him, and expressly declared to this House, that "he was obliged in Duty to the King to decline their Request;" and also signified to the House, that he should not take any Step for the Removal of the said Chief Justice on that Account. A Copy of said Remonstrance and Petition, with his Excellency's said Message, will also be laid on the Council Table.

Now this House having after the most mature Deliberation, judged the Matters aforementioned to be of the most weighty Importance to this Province, do think themselves bound in Duty to their Constituents, thus explicitly to represent them to the honorable Board, that the honorable Board may duly advise thereon, and act and determine as in their own Wisdom they shall think proper.

The Papers referr'd to in the foregoing Message were afterwards by Order of the House laid on the Council Table.

And on Friday last the whole House of Representatives waited on his Excellency the Governor in the Council Chamber, whose the Speaker delivered to him the following Petition for the Removal of PETER OLIVER, Esq; from the Superior Court, viz.

Province of the Massachusetts-Bay, } vid the Answer page 455.

To his Excellency the Governor.

THE House of Representatives being still deeply impressed with a Sense of the Importance and Necessity of Removing *Peter Oliver*, Esq; Chief Justice of the Superior Court, now wait on your Excellency with this repeated Petition, to which we hope your Excellency will not give a Denial, and pray that your Excellency would be pleased to take our Remonstrance and Petition to the Governor and Council of the 13th Instant into your further Consideration; although your Excellency has signified to this House that you shall not take any Steps for the Removal of the Chief Justice from his Place, yet, as it is in the Judgment of this House a Matter of the most weighty Concernment to this Province, We pray that your Excellency would please to take the Advice of his Majesty's Council thereon. We do with the greatest Propriety urge this Matter, as we find in the Royal Charter that the principal End of the Institution of the Council is to be advising and assisting to the Governor in ordering and directing the Affairs of the Province, and that they are expressly appointed for that very End: And your Excellency's determining on this Matter by yourself, would be to order and direct one of the most important Affairs of this Province without the Advice and Assistance of the Council, and contrary to the most evident Design of the Charter.

We do assure your Excellency that the "written Paper" which you are pleased in your Message of Yesterday to say "perported a Remonstrance against Peter Oliver, Esq" was *in Truth*, the Remonstrance and Petition of this House, passed after the most mature Deliberation, by a very great Majority, in a very full House.

Your Excellency will please to consider, that this House is well knowing to the general Sense of their Constituents in this Matter; and we can now assure you, that the Continuance of the Chief Justice in his Place, will increase the Uneasiness of the People without Doors, and endanger the publick Tranquility. We therefore earnestly intreat your Excellency, that while we are in this Instance "employing the Powers with which we are intrusted in promoting the Tranquility and good Order of the Government," we may agreable to your Declaration in your Speech to both Houses, find that you are ready to give your Consent to a Request of the House intended for that and other great and important Purposes; and that your Excellency will immeditately take every Step for the Removal of the Chief Justice from the Superiour Court.

BOSTON, February 21, 1774.

The Honorable House of Assembly of North-Carolina have concurred in Resolves similar to those of Virginia and appointed a Committee of Correspondence with the other Colonies.

The Assembly of Maryland have come into Resolves, similar to those of the other Colonies.

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in this town since the year 1754. The whole of which he has drove in himself about 4 miles, a great part of which he cut himself, and all except about 50 load on his own land; all which he has done without ever up-setting a cart, or breaking a wheel or sled, or even bruising a finger, or by any means damaging an Ox or Horse by any Wound.

N. B. Said Burnam imagines he has about five times as much more wood, for market, which he intends leaving to some other person to cut and draw, as he thinks he has done his full share in that way. The 2500 load he has sold for about £. 820 Lawful Money.——

By the Bill of Mortality last Year in the City and Liberties of Philadelphia, it appeared, that out of 1344 who died there, above 300 of them perished with the Small-Pox in the natural way; and as the chief of them were the Children of poor People, a number of Gentlemen in that City have formed a Society for inoculating the Poor, free of Expence to them, and are providing a Fund for that Purpose.

Boston, Feb. 21. 1774.

LAST Tuesday, about sun-set, departed this life after a short but painful disease, Mrs. MARY HUBBARD, widow of the late honorable THOMAS HUBBARD, Esq; and daughter of that "good man for whom one would even dare to die," Mr. JONATHAN JACKSON, late of this town. She nearly resembled her father in a naturally calm, even, placid, and sedate disposition of mind; which, being sanctified from her early days, became a permanent, strong, habitual principle; greatly conducing to her support under various pressing trials in life, and rendering her an example of christian patience, contentment and subjection to the alwise, righteous ruler of the world, highly worthy of the imitation of all that knew her.

Her piety was truly genuine; not expressing itself in ostentatious shew, which she abhorred; but in a serious, grave, solemn attendance on all the devotional services of religion, whether in the closet, the family, or the house of God. She laid no stress on such motions in the passions, to whatever height they might be raised, as were separable from an heart intirely devoted to God. Her religion was like that of the devout matrons in the first times of New-England, which did not consist in high talk, transient flights, and extraordinary sallies of affection; but in a steady, uniform, and universal regard to the governing authority of heaven.

She was a sound believer in the christian revelation; and "walked by faith, not by sight;" living above the world, and unconformed to it's gaities, amusements, fopperies, and vanities; adorning herself "in modest apparel, with sobriety; not with broidered hair, or gold; but (which becometh women professing godliness) with good works," ever appearing with "the ornament of a meek and quiet spirit, which is, in the sight of God, of great price."

Her benevolence, upon the gospel plan of love, placed her far above most of this present age. In imitation of God, of whom it is said, he is *love*, she loved her neighbour with undissembled affection; and made it evident she did so, not "in word and tongue" only, but "in deed and truth;" being ever "ready to communicate, willing to distribute," according to her ability, especially to those she trusted were of "the house of God."

Her faith in Christ was not an empty speculation, but influenced her to a becoming care of conducting well in all the relations she sustained in life. As a wife, she was tender, faithful and obedient: As a parent, wisely and affectionately concerned and careful, not meerly for the temporal happiness of her children, but that they might, by a good education, be fitted to be blessings in this world, and blessed in another: As a mistress, not rigorous and severe, her maid and gentle, behaving towards her servants with meekness and kindness; though not with imprudent indulgence: As a neighbour, condescending, obliging, and ever ready to all the offices of goodness. In a word, through the whole course of life, she conducted as having upon her mind an habitual deep sense of her accountableness to that Jesus, whom God has constituted the Judge of the world, and as being principally concerned that she might, at last, be able to give up her account with joy, and not with grief, for that she imagined, after her best endeavours, that she was faultless. Far from this, she could, and did, exclaim with pious David. "If thou, Lord, shouldest mark iniquities, O Lord, who shall stand!" her hope therefore, with reference to the joys of God's presence, was founded, not on her own worthiness, but the worthiness of that Jesus, who "became obedient to death," that he might atone for the sins of men, and make way for their "salvation with eternal glory," in God's kingdom that is above.

She appeared in her last sickness, which was severely trying, to be possessed of that calm, patient, humble, and resigned frame of spirit, which was honorary both to her, and to the grace of God which conspicuously operated in her. We have abundant reason to believe, that she may justly be reckoned among those "blessed dead," who died in the Lord, are rested from their labors, and whose works have followed them to the other world, where they are unspeakably happy.

Her remains are to be carried to the grave this afternoon, at four of the clock; when her friends, acquaintance, and the many who knew her worth, it is hoped, will readily give their attendance.

Falmouth, Casco-Bay, Feb. 10. 1774.

MANY People being apprehensive that there will be a difficulty in preventing some individual Persons from selling TEA, even tho' this Town should Vote against it: We think proper to declare to You that you need not doubt of your Resolutions being carried into Execution; for we whose Names are hereunto subscribed, will engage that no Person in this Town, great or small, rich or poor, shall dare to counteract your Designs.

Thomas Tarbucket,
Peter Pitch,
Abraham Wildfowl,
David Plaister,
Benjamin Brush,
Oliver Scarcrow,
Henry Hand-Cart,
} Committee for Tarring and Feathering.

1 See page 449, 452. a See pa, 452. — See Charter pa, 1077, vol, 2. o See Index under Judges. q See the Tea act, pa, 335, vol, 1. 1 See pa, 449. x pa, 452. (1) See Index under Towns, & under Proceedings Houses & Councils Messages. 2 See page 251. — 318. (2) See page 452. (a) vid Speech, page, 442. (3) See pa, 272. (4) For Appointing Committees of Correspondence &c. See Index